

PATENT COOPERATION TREATY

PCT

INTERNATIONAL SEARCH REPORT

(PCT Article 18 and Rules 43 and 44)

Applicant's or agent's file reference NO 7706/WO/PCT	FOR FURTHER ACTION		see Form PCT/ISA/220 as well as, where applicable, item 5 below.
International application No. PCT/EP2005/002693	International filing date (day/month/year) 14/03/2005	(Earliest) Priority Date (day/month/year) 19/03/2004	
Applicant NESTEC S.A.			

This International Search Report has been prepared by this International Searching Authority and is transmitted to the applicant according to Article 18. A copy is being transmitted to the International Bureau.

This International Search Report consists of a total of 6 sheets.

☒ It is also accompanied by a copy of each prior art document cited in this report.

1. Basis of the report

a. With regard to the **language**, the international search was carried out on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.

☐ The international search was carried out on the basis of a translation of the international application furnished to this Authority (Rule 23.1(b)).

b. ☐ With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, see Box No. I.

2. ☐ **Certain claims were found unsearchable** (See Box II).

3. ☒ **Unity of invention is lacking** (see Box III).

4. With regard to the **title**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established by this Authority to read as follows:

5. With regard to the **abstract**,

☒ the text is approved as submitted by the applicant.

☐ the text has been established, according to Rule 38.2(b), by this Authority as it appears in Box No. IV. The applicant may, within one month from the date of mailing of this international search report, submit comments to this Authority.

6. With regard to the **drawings**,

a. the figure of the **drawings** to be published with the abstract is Figure No. _____

☐ as suggested by the applicant.

☐ as selected by this Authority, because the applicant failed to suggest a figure.

☐ as selected by this Authority, because this figure better characterizes the invention.

b. ☒ none of the figures is to be published with the abstract.

FURTHER INFORMATION CONTINUED FROM PCT/ISA/ 210

This International Searching Authority found multiple (groups of) inventions in this international application, as follows:

1. claims: 1-16

A miscible primary composition comprising at least the essential lipophilic and hydrophilic bioactive components of a whole fruit, vegetable and/or plant material, excluding insoluble fibers, in a milk or protein-containing carrier, a process for the preparation of such a composition and its use for the preparation of an oral, cosmetic or pharmaceutical composition intended for improving skin health, for photoprotection of the skin or for protecting skin tissue against aging.

2. claim: 17

Use of a miscible primary composition comprising at least the essential lipophilic and hydrophilic bioactive components of a whole fruit, vegetable and/or plant material, excluding insoluble fibers, in a milk or protein-containing carrier for the preparation of an oral, topical or pharmaceutical composition intended for eye health.

3. claim: 18

Use of a miscible primary composition comprising at least the essential lipophilic and hydrophilic bioactive components of a whole fruit, vegetable and/or plant material, excluding insoluble fibers, in a milk or protein-containing carrier for the preparation of an oral, cosmetic or pharmaceutical composition intended for stimulating the immune system.

4. claim: 19

Use of a miscible primary composition comprising at least the essential lipophilic and hydrophilic bioactive components of a whole fruit, vegetable and/or plant material, excluding insoluble fibers, in a milk or protein-containing carrier for the preparation of an oral, cosmetic or pharmaceutical composition for preventing or treating cardiovascular diseases or disorders or cancer.

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Box II Observations where certain claims were found unsearchable (Continuation of Item 2 of first sheet)

This International Search Report has not been established in respect of certain claims under Article 17(2)(a) for the following reasons:

1. ☐ Claims Nos.:
because they relate to subject matter not required to be searched by this Authority, namely:
2. ☐ Claims Nos.:
because they relate to parts of the International Application that do not comply with the prescribed requirements to such an extent that no meaningful International Search can be carried out, specifically:
3. ☐ Claims Nos.:
because they are dependent claims and are not drafted in accordance with the second and third sentences of Rule 6.4(a).

Box III Observations where unity of invention is lacking (Continuation of Item 3 of first sheet)

This International Searching Authority found multiple inventions in this international application, as follows:

see additional sheet

1. ☒ As all required additional search fees were timely paid by the applicant, this International Search Report covers all searchable claims.
2. ☐ As all searchable claims could be searched without effort justifying an additional fee, this Authority did not invite payment of any additional fee.
3. ☐ As only some of the required additional search fees were timely paid by the applicant, this International Search Report covers only those claims for which fees were paid, specifically claims Nos.:
4. ☐ No required additional search fees were timely paid by the applicant. Consequently, this International Search Report is restricted to the invention first mentioned in the claims; it is covered by claims Nos.:

Remark on Protest

- ☐ The additional search fees were accompanied by the applicant's protest.
- ☐ No protest accompanied the payment of additional search fees.

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A. CLASSIFICATION OF SUBJECT MATTER

A23C9/13 A23C9/133 A23L1/30 A23L1/305 A23K1/00
A23L2/02 A23L2/39

According to International Patent Classification (IPC) or to both national classification and IPC

B. FIELDS SEARCHED

Minimum documentation searched (classification system followed by classification symbols)
A23L A23C A23K A61K

Documentation searched other than minimum documentation to the extent that such documents are included in the fields searched

Electronic data base consulted during the International search (name of data base and, where practical, search terms used)

EPO-Internal, WPI Data, PAJ

C. DOCUMENTS CONSIDERED TO BE RELEVANT

Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X	US 2003/235559 A1 (SOBOL YUZEFA TSEZAREVNA ET AL) 25 December 2003 (2003-12-25) page 1, paragraph 1 page 3, paragraph 30 - paragraph 34 page 4, paragraphs 46,47,59,63 - page 5 page 6, paragraphs 73,74 -----	1-19
X	DATABASE WPI Section Ch, Week 200417 Derwent Publications Ltd., London, GB; Class D13, AN 2004-169773 XP002290448 & CN 1 446 489 A (MEDLAR ENTERPRISE GROUP CO NINGXIA & HUI) 8 October 2003 (2003-10-08) abstract ----- -/--	1-4,7-15

☒ Further documents are listed in the continuation of box C.

☒ Patent family members are listed in annex.

* Special categories of cited documents:

- *A* document defining the general state of the art which is not considered to be of particular relevance
- *E* earlier document but published on or after the International filing date
- *L* document which may throw doubts on priority claim(s) or which is cited to establish the publication date of another citation or other special reason (as specified)
- *O* document referring to an oral disclosure, use, exhibition or other means
- *P* document published prior to the international filing date but later than the priority date claimed

- *T* later document published after the international filing date or priority date and not in conflict with the application but cited to understand the principle or theory underlying the invention
- *X* document of particular relevance; the claimed invention cannot be considered novel or cannot be considered to involve an inventive step when the document is taken alone
- *Y* document of particular relevance; the claimed invention cannot be considered to involve an inventive step when the document is combined with one or more other such documents, such combination being obvious to a person skilled in the art.
- *G* document member of the same patent family

Date of the actual completion of the international search

11 November 2005

Date of mailing of the international search report

21.12.2005

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C.(Continuation) DOCUMENTS CONSIDERED TO BE RELEVANT		
Category *	Citation of document, with indication, where appropriate, of the relevant passages	Relevant to claim No.
X ✓	DATABASE WPI Section Ch, Week 200468 Derwent Publications Ltd., London, GB; Class B04, AN 2001-356369 XP002315859 & CN 1 052 616 C (DU C) 24 May 2000 (2000-05-24) abstract -----	1-4, 7, 9-14, 17, 19
X ✓	DATABASE WPI Section Ch, Week 200131 Derwent Publications Ltd., London, GB; Class D13, AN 2001-291576 XP002353637 & CN 1 282 539 A (ZHANG F) 7 February 2001 (2001-02-07) abstract -----	1-4, 7-14, 19
A ✓	PATENT ABSTRACTS OF JAPAN vol. 2003, no. 03, 5 May 2003 (2003-05-05) & JP 2002 338485 A (IIZUKA HIDEKO), 27 November 2002 (2002-11-27) abstract -----	1-19
A ✓	DATABASE WPI Section Ch, Week 199719 Derwent Publications Ltd., London, GB; Class B04, AN 1997-203914 XP002315860 & CN 1 097 108 A (LI Z) 11 January 1995 (1995-01-11) abstract -----	1-19

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Information on patent family members

International Application No

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Patent document cited in search report	Publication date	Patent family member(s)	Publication date
US 2003235559 A1	25-12-2003	AU 2003236536 A1 CA 2484639 A1 WO 2004000038 A1	06-01-2004 31-12-2003 31-12-2003
CN 1446489 A	08-10-2003	NONE	
CN 1052616 C	24-05-2000	CN 1152409 A	25-06-1997
CN 1282539 A	07-02-2001	NONE	
JP 2002338485 A	27-11-2002	NONE	
CN 1097108 A	11-01-1995	NONE	